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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

ALI KOURANI,

Defendant.

ORDER

17 Cr. 417 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

The Government's unopposed motions *in limine*, pertaining to (i) cross-examination of the defendant regarding his alleged activities on behalf of Hizballah, including his travel to China in 2009, rental of storage facilities in New York in 2009, and conflict with Hizballah in 2016, and (ii) use of the defendant's June 2, 2017 proffer statements, are granted.

Defendant represents that he plans to elicit testimony regarding certain legal advice he received from his former lawyer, Mark Denbeaux. Testimony of communications between a client and his lawyer waives the attorney-client privilege related to such communications. *See, e.g., In re Grand Jury Proceedings*, 219 F.3d 175, 182 (2d Cir. 2000) ("[A] party cannot partially disclose privileged communications or affirmatively rely on privileged communications to support its . . . defense and then shield the underlying communications from scrutiny by the opposing party."). To avoid disruptions during trial, defendant is requested so to acknowledge by signing and returning the waiver form attached hereto on or before April 30, 2019.

SO ORDERED.

Dated: April 25, 2019
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

17 Cr. 417 (AKH)

ALI KOURANI,
a/k/a "Ali Mohamad Kourani,"
a/k/a "Jacob Lewis,"
a/k/a "Daniel,"

Defendant.

Attorney-Client Privilege Waiver (Informed Consent)

To: Ali Kourani

You have made a motion in connection with your upcoming trial of May 6, 2019 in which you request to admit evidence at trial relating to legal advice and representation that you received from Mark Denbeaux, Esq. (referred to in this form as "your former attorney"). In such motion, you have further indicated, through counsel, that you consent to questioning of witnesses regarding communications between you and your former attorney that relate to the legal advice that you received.

If you wish to admit evidence at trial relating to legal advice and representation that you received from your former attorney, you have waived the attorney-client privilege you had with your former attorney regarding that legal advice and representation. This means that if you wish to press these arguments at trial and to elicit testimony regarding legal advice you received, you cannot keep the communications between yourself and your former attorney, and documents and other materials related to those communications, a secret. This form is designed to ensure that you fully understand and agree to this.

Specifically, if you wish to proceed with your motion, you must sign this statement and return it to the Court (keeping a copy for your records). The form constitutes your authorization to your former attorney to disclose confidential communications, including documents and other materials memorializing confidential communications, in response to a court order. The form also constitutes your consent to the Government's review of confidential communications between you and your former attorney that it has seized through the course of its investigation.

You should know that if you sign this authorization, you run the risk that your former attorney will contradict your statements about his representation of you. However, you should also know that if you do not sign this authorization, the Court may not permit you to make the arguments and elicit the testimony requested in your motion. You must return this form, signed by you and notarized, by April 30, 2019.

NOTARIZED AUTHORIZATION

I have reviewed with my current attorney this document titled Attorney-Client Privilege Waiver (Informed Consent) and the accompanying proposed Court Order. I hereby authorize my former attorney, Mark Denbeaux, Esq., to comply with any Court Order requiring him to provide documents and testimony relating to my motions and the arguments I seek to make at trial. This authorization allows my former attorney to provide documents and testify only pursuant to court order. I further hereby consent to the Government's review of my communications with Mr. Denbeaux relating to the advice he provided me, that were seized during the course of the Government's investigation, as directed in the Court's proposed Order.

Dated: _____

ALI KOURANI

Sworn to before me this _____ day of _____, 2019

Notary Public